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ERIC M. HOCKY
DIRECT DIAL 215 320.3770
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May 4, 2007
VIA: Electronic filing

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

ENTERED
Office of Proceedings

Re: Finger Lakes Railway Corp. -
Abandonment Exemption - Yates County, NY
STB Docket No. AB-1005X
Supplement to Environmental/Historic Report

Public Record

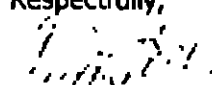
Dear Secretary Williams:

This letter serves to supplement the Environmental/Historic Report ("the Report") that was filed in this proceeding on April 13, 2006 by Finger Lakes Railway Corp. ("FGLK"). After the Report was filed, we received the attached additional responses from the US Department of the Army (Corps of Engineers), and New York Natural Heritage Program. The responses require no action on the part of the FGLK, and do not affect any of the conclusions set forth in the Report.

FGLK also received the letters from the Town of Benton and from Friends of the Outlet, Inc. regarding the ultimate disposition of the right-of-way after the abandonment. FGLK has not yet determined what it will do with the property.

Also enclosed are copies of the advertisement and Proof of Publication from The Observer (Yates County, NY). As stated in the Report, and confirmed by the Proof of Publication, the Notice was published on April 4, 2007.

Respectfully,


Eric M. Hocky

Enclosures

cc: All parties on the Service List

Service List - STB Docket No. AB-1005X

Yates County Industrial Development Agency
Attn: Jeff Gifford, Chairman
One Keuka Business Park, Suite 104
Penn Yan, New York 14527

Ontario County Pathways, Inc.
PO Box 996
Canandaigua, NY 14424

New York Department of Public Service
3 Empire State Plaza
Albany, New York 12223-1350

Director of Real Estate
New York Department of Transportation
50 Wolf Road
Albany, NY 12232
Att: Phil Healey

Director
Attention: SDTE-SA
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
720 Thimble Shoals Blvd., Ste. 130
Newport News, VA 23606-4537

National Park Service
National Center For Recreation
and Conservation
Org. Code 2220
1849 C Street, NW
Washington, DC 20240-0001

Chern Espersen
Rivers, Trails and Conservation Assistance Program
National Park Service
1849 C Street, NW (Org Code 2235)
Washington, DC 20240-0001

Office of Chief of Forest Service
U.S. Department of Agriculture
Auditor's Building
201 14th Street S.W. and Independence Ave., S.W.
Washington, DC 20250

New York Department of Environmental Conservation
625 Broadway
Albany, NY 12233

New York Department of Environmental Conservation
6274 E. Avon-Lima Road
Avon, NY 14414-9519

New York Department of State
Division of Coastal Resources
41 State Street
Albany, NY 12231

Robert N. Multer
Chairman
Yates County Legislature
417 Liberty Street
Penn Yan, New York 14527

Sarah Purdy
County Administrator
417 Liberty Street
Penn Yan, New York 14527

Robert Clark
Benton Town Supervisor
1000 Route 14A
Penn Yan, New York 14527

Region 2
Environmental Protection Agency
Jacob K. Javits Federal Building
290 Broadway
New York, NY 10007

US Fish and Wildlife Service
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9589

US Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, NY 13045

U.S. Army Engineer Division
Great Lakes & Ohio River Division
550 Main Street
Room 10,032
Cincinnati, Ohio 45202-3222

Northeast Region
Regional Director
National Park Service
U.S. Custom House
200 Chestnut St., Fifth Floor
Philadelphia, PA 19106

USDA Natural Resources Conservation Service
5601 Sunnyside Ave.
Mailstop 5410, Room 1-1290A
Beltsville MD 20705-5410

USDA Natural Resources Conservation Service
441 Salina Street
The Galleries of Syracuse
Suite 354
Syracuse, NY 13202

Mr. Richard A. Snay
Chief, Spatial Reference System Div.
United States Dept. of Commerce
NOAA, N/NGS2
SSMC3, Room 8828
1315 East-West Highway
Silver Spring, MD 20910

New York State Historic Preservation Office
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189

U.S. Army Engineer Division
U.S. Army Corps of Engineers- Buffalo District
Auburn Field Office
7413 County House Road
Auburn, New York 13021

Michael L. Allen
New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources, Region 8
6274 E. Avon-Lima Road
Avon, NY 14414-9519

Doug Bernhard
New York State Department of Environmental Conservation
Division of Lands & Forests
Region 8
7291 Coon Road
Bath, NY 14810

Steve Young
New York State Department of Environmental Conservation
Division of Lands & Forests
Region 8
New York Natural Heritage Program
625 Broadway
Fifth Floor
Albany, NY 12233-4757

New York Natural Heritage Program
625 Broadway, 5th Floor
Albany, NY 12233-4757

Friends of the Outlet, Inc.
PO Box 65
Dresden, NY 14441



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DIVISION, GREAT LAKES AND OHIO RIVER
CORPS OF ENGINEERS
550 MAIN STREET, ROOM 10032
CINCINNATI, OH 45202-3222

rec'd
4/19/07

APR 14 2007

CELRD-PDS-P

Gollatz, Gnffin & Ewing
Attorneys at Law
Attn: Ms. Leanne D. Bellis
219 West Miner Street
West Chester, PA 19381

SUBJECT: Finger Lakes Railway Corporation Abandonment Exemption STB Docket
No. AB1005 (X)

Dear Ms. Bellis:

We have reviewed the information provided in your February 5, 2007 letter and enclosures and have no objections to the proposed abandonment of the referenced railroad line. No permits will be required from the Corps of Engineers as there are no Section 10 navigable waters within the specified mileposts. So long as no fill or debris is placed within any wetlands or waterways adjacent to the existing railroad bed, we have no reason to believe that the abandonment will have any significant environmental effect.

If you have any questions, please contact Mr. Bill White at (513) 684-2225. The notification to us of the proposed abandonment by your client is greatly appreciated.

BRUCE A. BERWICK
Brigadier General, U.S. Army
Commanding



New York Natural Heritage Program

A Partnership between The Nature Conservancy and the NY's Department of Environmental Conservation

625 Broadway • 5th Floor Albany, NY 12243-4757 (518) 402-8932 Fax (518) 402-3115 www.nynhp.org

Wednesday, April 18, 2007

Holly L. Thielke
Real Estate & Industrial Development Manager
Finger Lakes Railway Corp
P.O. Box 1099
Geneva, NY 14456

Dear Ms. Thielke

I received information about the abandonment exemption for the railroad from Penn Yan to Bellona and the list of historical rare plants that were collected in the area. All of the plants in question are wetland plants that would be unaffected by the rail removal method you described.

Sincerely,

Stephen M. Young
Chief Botanist

THE TOWN OF BENTON

1000 Route 14A
Penn Yan, New York 14527-9107
315-536 7236



April 12, 2007

Mr. Michael Smith, President
Finger Lakes Railway Corporation
P.O. Box 1099
Geneva, New York 14456

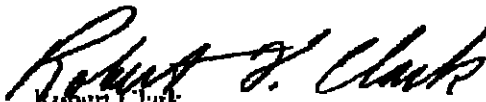
Dear Mr. Smith:

The Watkins Glenn - Penn Yan line of the Finger Lakes Railway Corporation is in the process of abandonment. You have asked for ideas of what to do with the abandoned property created by the removal of rails and ties

The Benton Town Board unanimously recommends that the vacant property revert back to the adjoining landowner, either by sale or by simple transfer

This would ensure that the taxable value and revenue would continue to benefit our township. It would relieve us from any potential liability and maintenance problems in the future

Sincerely,


Robert Clark
Town of Benton - Supervisor

cc. Yates County IDA

FRIENDS OF THE OUTLET, INC.
P.O. Box 65, Dresden, NY 14441

outlettrail@hotmail.com
www.keukaoutlettrail.net

"To protect und preserve, lake to lake und rim to rim"

April 10, 2007

Michael Smith, President
Finger Lakes Railway
400 Border City Road
Geneva, NY 14456

Dear Mr. Smith,

I am writing concerning disposition of the railroad tracks between Penn Yan and Bellona. I urge you to consider converting this segment of the track bed into a multiple-use trail.

For several years, I have been talking with various people about the idea of converting the track bed into a multiple-use trail, and I've discovered that I am certainly not the first or the only person to have this idea.

Before Steve Isaacs left the Yates IDA, I spoke with him about it; and he seemed to be very favorable towards the idea. In addition, as you may know, the Yates IDA is the sponsor of a TEA-21 Transportation Enhancement Grant we received to repair the Keuka Outlet Trail (KOT), the County's premier rail trail and multiple-use trail, and the Yates IDA Board made a significant donation to the project; so I believe it's fair to assume that the Yates IDA recognizes the importance of transportation/recreation trails to the economy and life of this community.

I also promoted the idea with Barbara M. Pinckney, President of the Board of Yates Cultural and Recreational Resources Center (YCRRC), because the property donated to the YCRRC by the Maeske family is immediately adjacent to the tracks; and my thought was that the YCRRC could provide an easy connecting trail to the track bed, where members (as well as everyone else) could use the track bed trail for outdoor exercise. (I am sure we could find other access points, as well).

I also spoke with Yates County's Interim Planner and then with our new Planner, Chris Wilson, about the idea, and, as I recall, Chris was very enthusiastic about the concept. Chris has been a strong supporter of our work on the Keuka Outlet Trail and is, I know, very interested in expanding the trail "system" within the County.

If this segment of the railway were to be converted into a multiple use trail, it would be a great benefit to the residents of the County, county business, and our many tourist visitors. The trail would be particularly beneficial to the Mennonite folks in the Benton area, who must ride their bikes on NYS 14A. The trail would help decongest NYS 14A and would provide a pleasant, efficient, and *safe* alternative transportation route. Once in the Village of Penn Yan, the rail trail users could easily connect to the Keuka Outlet Trail, by a relatively short walk or ride on back Village streets. Providing additional safe hiking and biking miles would also be tremendously appealing to our tourists, who want recreational alternatives while they are spending their weeks renting cottages here. Lastly, this would be a big help toward connecting Yates County trails northward to the Ontario Pathways' trails.

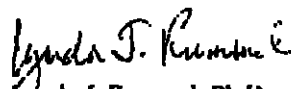
We estimate that we have around 9000 visits to the Keuka Outlet Trail every year (Over 3000 visitors sign in annually, and the standard rule of thumb for estimating use of a simple hiking trail is to multiply the number of sign-ins by three, which probably underestimates the use of a multiple-use trail) The trail is cherished by the community and highly valued by visitors. A recent survey of adjacent landowners (by a graduate student from the College of Environmental Science and Forestry, at Syracuse University) showed that perceptions and attitudes toward the Outlet Trail are more positive now than when the trail was first proposed, and perceptions and attitudes are, on the whole, very favorable. Our trail is heavily used by the Mennonite Community. I would have no reason to think that the regional community and our tourist visitors would be any less happy with, and supportive of, a trail made from the abandoned Finger Lakes Railway section between the Village and Bellona.

I am sure there are many folks who would be willing to assist with converting the track bed into a multiple use trail. The County could manage it, or if they did not wish to take it on, I am quite confident that a not-for-profit group could be formed to do so. The Friends of the Outlet, Inc., is a 501-c-3 organization and land trust which owns and manages 5.7 miles of the Keuka Outlet Trail (the Village of Penn Yan owns the remaining 1.3 miles); and I suspect a similar group could be organized to champion this new rail trail. Alternatively, perhaps the YCRRRC, since it is already an incorporated not-for-profit and has land adjacent to the track, could receive the track bed and oversee the trail. Finally, as a fallback alternative, perhaps the Friends could accept the track bed, as we did for the KOT when the County "bargain sold" it to us (for \$1), and help develop it into a trail. The Friends have owned and managed a "rail trail" for over ten years; we know how to build and repair trail; we know a little bit about how to get grants to develop trails (as well as to maintain them); and I am sure that several of us in the Friends group would be willing to help, whatever ownership and management arrangements are established.

Every day it seems you read in the papers about communities developing trails. Just today, for example, there was an article in the *Rochester D&C* about developing a trail along the Oatka Creek corridor (Wyoming County). A new trail is under development in Victor; a trail from Geneva to Montezuma has been proposed. Most communities now recognize that trails add greatly to the residents' quality of life, and, by attracting or serving visitors who purchase goods, services and lodging from community businesses, provide an economic benefit. In my opinion, it would be a tremendous and tragic loss for the community if this segment were to be sold to private property owners.

Thank you for considering this idea. Please let me know what I may do to further it along.

Sincerely,


Lynda J. Runniel, Ph.D.
Past President

96 Esperanza Drive
Keuka Park, NY 14478
(315) 536-9484
ljrunniel@peakrunner.com

Xc: Steve Isaacs

Doreen Jensen, Administrative Assistant, Yates IDA

Barbara M. Pinckney, President of the Board, Yates Cultural and Recreational Resources Center

Dan Spence, President, Friends of the Outlet, Inc.

Chris A. Wilson, Yates County Planner

Sollatz, Guffin & Ewing

Proof of Publication
The Observer
State of New York, County of Yates s.s

George Lawson
Or
Debra Lawson

Debra Lawson
Of Dundee, Yates County, being sworn doth depose and say that he/she is an
Officer of *The Observer*, a public newspaper published in said County,
And that the notice, of which the annexed is a printed copy cut from said
newspaper, was printed and published in the regular editions and issues of
Said newspaper 1 week, commencing on 4/4/07 and ending
on 4/11/07.

Debra Lawson Subscribed and sworn to before me this
4th day of APRIL 2007 Notary Public Linda M. Bailey
LINDA M. BAILEY
NOTARY PUBLIC #4004601
STATE OF NY CO. OF SCHUYLER
COMMISSION EXPIRES SEPT 8, 2009

be about a week behind in the upcoming fall's harvest because of recent weather.

Franjo Farms in Potter also sells union jelly and barbecue sauces for marinating meats.

Much farming involves a complex drainage system. At Lucian Sachell's Franjo Farms, tiles sit beneath the mud, draining water through ditches and into canals. The canal system sends water into Flint Creek, and eventually Lake Ontario.

On the West coast where they will be slaughtered once fully grown. The smell is expected to be significantly less, but the grazing pasture's runoff into the creek may be much more.

LEGAL NOTICES

LEGAL NOTICE

Notice of Formation of Platinum Horn Group LLC. Acts of Org filed with NY Dept. of State on 2/24/07. Other location: Sullivan County. 8001 of State designated as agent of LLC upon whom process against it may be served. Sec of State shall mail process to 2 West Market St., Cortland, NY 14830, principal business address of the LLC. Purpose: any lawful activity.

LEGAL NOTICE

Notice of formation of Sunburst and/or, LLC. Acts of Organization filed with Secy of State (SSNY) on December 2, 2005. Office Location: Yates County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Sunburst Landscaping, LLC, 4895 Apple Road, Extension, Durden, New York 14827. Purpose any lawful activity.

LEGAL NOTICE

NOTICE OF SALE

Supreme Court - County of Yates ABN Auto Mortgage, Group, INC. Plaintiff Against: Lorie Dalton, et al. Defendant(s). Pursuant to a judgment of foreclosure and sale duly dated 1/12/2007, the undersigned Referee will sell at public auction at the Town of Yates County Courthouse, 415 Liberty Street, Village of Penn Yan, New York on 4/11/2007 at 10:00 AM premises known as 211 Chapel Street, Penn Yan, New York 14827. All that certain plot piece or parcel of land, with the buildings and improvements thereon erected and situated, lying and being in the Village of Penn Yan, County of Yates and State of New York. Sucker, Brock and Lot 49 85-2-12 Appropriate

LEGAL NOTICES

amount of judgement \$82,893.82 plus interest and costs. Premises will be sold subject to provisions of first judgement book 437406. Susan E. Jones, Esq., Referee Steven J. Bunn, P.C., Attorney for Plaintiff, P.O. Box 1291, Buffalo, NY 14240-1291 Dated 3/6/2007.

LEGAL NOTICE

Please be advised that the Yates County Legislature passed the following Local Law on March 13, 2007 meeting. This is the full text of the law Local Law 1-07 Enacted by the Yates County Legislature on March 13, 2007. Local Law 1-07 Regarding Publication of Local Laws. Be it enacted by the Legislature of the County of Yates as follows: Section 1. Purpose and intent. The Yates County Legislature hereby enacts this local law to supersede the provisions of County Law 214 (2), which requires that a true copy of said law be published in the official newspaper of the county once a week for two successive weeks in order to reduce costs. The Legislature desires that the publication of the full text of each law be discontinued, and replaced with only detail necessary to ensure that the public remains fully informed. This local law is adopted pursuant to Article IX of the Constitution of the State of New York, as interpreted by the Attorney General in Volume 82, Internal Opinion 1 and Volume 87, Internal Opinion 12, and elsewhere. Section 2. Publication Requirements. Upon the adoption of each local law of the County of Yates, the Clerk of the Legislature shall cause the publication of the full text of the law in the official newspaper of the county of Yates and an abstract of the provisions thereof. Said notice shall

LEGAL NOTICES

include the location and availability of a copy of the full text of each local law. The publication shall be in lieu of that required by County Law 214 (2), which is hereby expressly superseded by this local law. Section 3. This Local Law shall take effect immediately.

LEGAL NOTICE

Finger Lakes Railway Corp (FLRC) gives notice that on or about April 25, 2007, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F. Example Abandonments permitting the abandonment of a 4.35 mile line of railroad known as Watkins Glen. Penn Yan Line, which runs in a northerly direction from milepost 41.35 in the Village of Penn Yan, Town of Barton, Yates County, New York through the Town of Barton to milepost 46.3. This line traverses through the United States Postal ZIP Code 14827. The proceeding will be filed as an AB1003 (X). The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E. Street, S.W., Washington, DC 20423-0001 or by calling the office at (202)245-0225. Appropriate officers

LEGAL NOTICES

if financial assistance to continue rail service can be filed with the Board. Requests for environmental, economic, public use, cultural, or rail transportation use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as rail use, public use, and others of financial assistance) must be filed directly with the Board's Office of the Secretary, Surface Transportation Board, 395 E. Street, S.W., Washington, DC 20423-0001. See 49 CFR 1104.1(a) and 1104.3(a)(1), and one copy must be served on applicants' representative. (See 49 CFR 1104.12(a)). Questions regarding public use or rail use may be directed to the Board's Office of Congressional and Public Services at (202) 245-0220. Copies of any comments or request for conditions should be served on the applicant's representative: Eric M. Hochy, Esquire, Galtz, Griffin & Suring, P.C., Four Penn Center, Suite 200, 1800 John F. Kennedy Boulevard, Philadelphia, PA 19103.

LEGAL NOTICE

For Sale: Contents of storage unit #28 previously rented by Gene Rhode. Sale to be held on Day Wednesday, Date April 25, 2007, Time 9am at Cardinal Hill Storage at 428 Dundee-Stanley Road, Dundee, NY.

LEGAL NOTICE

For Sale: Contents of storage unit #28 previously rented by Wendy Laker. Sale to be held on Day Wednesday, Date April 25, 2007, Time 9am at Cardinal Hill Storage at 428 Dundee-Stanley Road, Dundee, NY.

LEGAL NOTICES

LEGAL NOTICE

For Sale: Contents of storage unit #77 previously rented by Scott Stock. Sale to be held on Day Wednesday, Date April 25, 2007, Time 9am at Cardinal Hill Storage at 428 Dundee-Stanley Road, Dundee, NY.

LEGAL NOTICE

VILLAGE OF DUNDÉE

Please be advised that the Board of Trustees of the Village of Dundee will hold a Public Hearing on Tuesday, April 10, 2007 at 6:30 PM at the Village Hall, 12 Union Street, Dundee NY to take and hear comments relating to the initiative 2007-2008 Village budget as proposed by the Board. A water & sewer rate increase will also be considered at this time. The water rate would increase \$3.00 to \$3.25 per thousand (1,000) gallons used. The sewer rate minimum for the first 7,000 gallons will increase \$23.00 per quarter. A copy of the initiative budget is available at the office of the village clerk, and any interested persons may inspect the initiative budget during office hours. Proposed compensation for elected officials, \$3,400 per year for Mayor and \$2,400 per year for Trustees. Dated, March 30, 2007. Christine M. Sutherland, Village Clerk, Treasurer

LEGAL NOTICE

PUBLIC NOTICE

Notice is hereby given that the regular monthly meetings of the Stanley Planning Board for the year 2007 will be held on the first Tuesday of each month. Dated March 29, 2007. By order of the Stanley Town Board Sue A. Crum Town of Stanley Clerk

Legal Notices may be submitted by fax
@ 607-243-5833
or by email @ theobserver@citlink.net